
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : Case No. 2:06-CR-00280-DB
Plaintiff, :
v. :
ALLEN Z. WOLFSON and : ORDER
DAVID MICHAEL WOLFSON, :
Defendants. : Judge Dee V. Benson

FILED
U.S. DISTRICT CO
2008 AUG 20 P 2:
DISTRICT OF UTAH
BY: DEPUTY CLERK

The Court, having considered the United States' Motion to Sever under Rule 14 of the Federal Rules of Criminal Procedure, there being no objections by the defendants, and good cause appearing,

The Court makes the following findings of fact:

1. On May 5, 2008, the district court in United States v. Allen Z. Wolfson, Nos. S1-00-Cr- 628(JGK) and S1-02-Cr-1588(JGK), issued an opinion and order finding defendant Allen Wolfson to be incompetent for purposes of sentencing.
2. The delay associated with the above determination has prejudiced the government's case in the present action.
3. Litigation in the present action to determine defendant Allen Wolfson's competency to stand trial will result in further prejudice to the government's case.

Based on the foregoing findings of fact,

IT IS ORDERED that:

1. The trials of defendant Allen Wolfson and defendant David Wolfson in the present action are severed.

2. The trial of defendant David Wolfson shall move forward in accordance with the trial date and deadlines established by Magistrate Judge Samuel Alba on August 18, 2008.

DATED this 20th day of August, 2008.

BY THE COURT:

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

The Honorable Dee V. Benson
United States District Judge